

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

ALFREDO HERNANDEZ,)
)
 Claimant,)
)
 v.)
)
IC GLOBAL SERVICES, INC.,)
)
 Employer,)
)
 and)
)
PACIFIC INDEMNITY COMPANY,)
)
 Surety,)
 Defendants.)
_____)

IC 99-033860

ORDER

Filed: February 18, 2005

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusion of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant has failed to carry his burden of proving that his medical condition is unstable or progressive and therefore appropriate for retention of jurisdiction beyond the five-year statute of limitations.

2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 18th day of February, 2005.

INDUSTRIAL COMMISSION

/s/_____
Thomas E. Limbaugh, Chairman

/s/_____
James F. Kile, Commissioner

/s/_____
R.D. Maynard, Commissioner

ATTEST:

/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

ALFREDO HERNANDEZ
2211 LONE STAR RD
NAMPA ID 83651

MAX M SHEILS JR
PO BOX 388
BOISE ID 83701-0388

djb

/s/_____